FOR MYSORE STATE

Devt (1952) Department.

Ms SERIES.

G.O. NO. 4722

Dated 6 11. 52

[08886

[Despatch Abstract.]

Forests Bellary Devn - Malleswara Sub Taluk - Removal of wood from Reserve Forests — Conviction of offenders. — Withdrawal of [redacted] under sec 4.9 of the Madras [redacted] Act

Memo 65/1915

Dept. (CII) Dept

Memo No 54605 CII/52-1 dt 17.5.1952.

Subj Forests - Bellary Dist - Mallapur Sub Taluk
Permission for removal of jungle wood for construction of huts - Representation of the ryots of Kanni Basapur - Report called for

Ref During the recent visit of the H.M for Agriculture to Bellary Dist, the villagers of Kanni Basapur, Mallapur Sub Taluk have represented to the Hon'ble Minister in the presence of the D.F.O., that they were permitted by the collector of Bellary to remove jungle wood from the Forests for building huts, but that the D.F.O. has fixed an amount of Rs 300/- to be paid to the Forest Dept before the removal of the wood ~~the fuel is removed~~ from the forests. The C.C.F. is requested to direct the D.F.O to investigate into the

Memo VE No. 1 (AM.)

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matter and submit a detailed report in the matter so as to reach the Court by ~~30~~ 5th June 82. This should be treated as very urgent.

16.5.82

17.5.82

17.5.82

To Comptt. 20/5
C-C-R.
R.D. 5.6.82

22/5

62963

IMMEDIATE.

C.F. 22—7,79,806—25-9-50.

FOREST Department | Received ____ Registered ____

From (Name) Sri M.Kesavan Unni Nayar, I.F.S.,
Designation Chief Conservator of Forests,
Station Madras-2.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.9.

Enclosures: one

Ref. No. 10629/52.E., dated 6 - 6 - 1952.

Sir,

Sub: Forests - Bellary Division - Mallapur Sub Taluk - Permission for removal of Jungle wood for construction of huts - Representation of the ryots of Kanvi Besapur Report submitted.

Ref: Government Memorandum No.54605-C.II/52-1 Development dated 17th May 1952.

...

A copy of report R.C.No.653/52.H.6 dated 2-6-52 from the District Forest Officer, Bellary is submitted.

for CHIEF CONSERVATOR OF FORESTS.

Enclosure.

Copy of District Forest Officer, Bellary Rc.653/52.H.6, dated 2-6-52.

...

Sub: Forests - Bellary Division - Mallapur Sub Taluk - permission for removal of jungle wood for construction of huts - Representation of the ryots of Kanvi Basapur - Report - submitted.

Ref: Your No.10629/52-E-1, dated 30-5-1952.

...

The Range Officer, Hospet submitted 4 A - Forms on 26-3-52 against 6 persons of Tarahalli and Basapuram (now residing in the disafforested portion of Nandibanda ~~[illegible] for rehabilitation~~), for alleged illicit cutting and removal of 8 beams and 34 rafters. As the accused admitted the offence and agreed to pay the compounding fees the cases were compounded on 28-3-52 for an aggregate amount of Rs.370/- and C and G forms issued.

2. Subsequent to this, I received a reference from the Special Assistant (Rehabilitation) that, by mistake, these people cut the above timber from outside the area allotted to them by the Rehabilitation authorities and that, as it was a technical offence, the matter may be viewed leniently.

The accused in this offence along with others were settled by the Rehabilitation authorities on a portion of the above Reserve which was recently disafforested and were permitted to cut some timber from the

IX

disafforested area so allotted to them. The Special Assistant informed me that as no timber pieces of suitable sizes were available in the disafforested area which had already been felled over by a contractor, the accused entered the area which is still under Reserved Forest, and cut the above timber and that this perhaps happened as these people could not make out the exact limits of the disafforested portion of this Reserve.

A | 3. The matter was discussed by me with the Special Assistant (Sri N.Yaganti) during the Hon(ble Minister's visit and as it is made out that it is merely a technical offence, I have directed Range Officer to with-hold service of the G-notices and submit a comprehensive report to enable me to revise my orders. That report is awaited and the Range Officer has been reminded.

(True Copy)

6.6.52

2/2 for CHIEF CONSERVATOR OF FORESTS.

Dept. (CI) Dem.

k.s.6/6.

6/6 A.S.

The C.C's report at PP1-2 above may be received. The further report promised by the C.F. at A above may be awaited till 30.6.52.

6/6

16.6

Dest (48) Bella

5

Memo No. 54605 C1/82-2 dt 16 6-82

Sub:- Forests - Bellary Divn - Mallapuram Sub TK - Removal of wood from R.F. - Compounding of offence - Revision - fortnightly report called for.

Ref:- From the C.C.F. No. 106629/82 Dt. 6-6-82.

In his letter No. 653/52 H-6 dt 2-6-82 (Copy submitted to Govt with the C.C's letter cited) the D.F.O. Bellary has stated that he had directed the Range officer to withhold the service of notices on the accused Kanni Baba and to submit a comprehensive report to enable him to revise his orders regarding compounding the offence of the accused. The C.C.F is requested to submit a fortnightly report after revised orders are passed by the D.F.O.

To The C.C.F.

Dt 20-7-82

C.F. 82—7,79,806—25-3-50.

Forest Department

From (Name)
Sri M.Kesavan Unni Nayar, I.F.S.,
Designation
Chief Conservator of Forests,
Station Madras-2

Received ____ Registered ____

To

The Secretary to Government,
Development Department,
Fort St.George, Madras.

FOURTH ASSISTANT SECRETARY TO GOVERNMENT
26 SEP 1952
DEVELOPMENT DEPARTMENT

Enclosures: Ref. No. 10629/52-E1, dated 24th Septr. 1952.

FOURTH ASSISTANT SECRETARY TO GOVERNMENT
29 SEP 1952
DEVELOPMENT DEPARTMENT

Sub: Forests - Bellary Division - Mallapuram Sub Taluk Removal of wood from Reserved Forest - Compounding of offence - Revision - Further report ~~called for~~.

Ref: Government Memo.No.5460 CII/52-2 Development dated 16-6-1952.

I submit herewith a copy of the letter No.Rc.1286/52-A1 dated 22-8-1952 from the Conservator, Bellary Circle enclosing the report of the District Forest officer, Bellary. In para 2 of his report the District Forest officer recommends that the case may be withdrawn. He also states that there are no rules under which he could revise his previous orders. It is amazing to me that a District Forest Officer should not know his own powers under the Madras Forest Act. Under Section 49 of the Act he is invested with powers to withdraw the case. It is still more amazing that the Conservator had no comment to make. If Government agree, the District Forest officer will be directed to withdraw the case under Section 49 of the Act.

Enc:1.

GS.25.9.

for CHIEF CONSERVATOR OF FORESTS.

Copy of letter Rc.No.1286/52-A1 dated 22-8-52 from the Conservator of Forests, Bellary Circle to the Chief Conservator of Forests, Madras.

Sub: Forests-Bellary Division - Mallapur Sub Taluk - Removal of wood from Reserved Forest compounding of offence revision - further report.

Ref: Chief Conservator's No.10629/52-E1 dated 18-8-52.

A copy of Bellary District Forest Officer's Ref.No.653/52-H6 dated 7-7-1952 is enclosed.

Copy of Rc.No.653/52-H6 dated 7-7-52 from the District Forest officer, Bellary to the Conservator of Forests, Bellary and copy submitted to the Chief Conservator of Forests, Madras.

Sub: Forest cases - Hospet Range - Removal of wood by displaced persons - Revision of orders.

Ref: This office Rc.653/52-H6 dated 2-6-52.
Chief Conservator's No.10629/52-E1 dated 30-5-52.

I have since obtained the report from the Range officer, and have looked through the relevent records and facts.

p.t.o.

2. I invite particular reference to an extract from the letter No.205 dated 29-3-52 from Sri N.Yaganti, Special Assistant (Rehabilitation) addressed to me reproduced below:-

"Under G.O.No.3059 Revenue dated 27-11-1950 and G.O.No.349 Revenue dated 6-2-52 these families are entitled to timber up to a value of Rs.100/- each. Some of the people who had thus been permitted, innocently entered into the reserve and have cut the trees in the reserve mistaking the area to be in disafforested zone. The offences have been cleanly admitted by them before the forester who enquired them the next day".

3. In the circumstances, I consider that the case may be withdrawn as it was unintentional. But, as there appear, to be no rules which enable me to revise my previous orders, I request that necessary suitable orders may be passed by the competent authority.

4. A copy of this report is being submitted direct to the Chief Conservator of Forests.

(True copy).

for CHIEF CONSERVATOR OF FORESTS.

GS.25.9.

Under Secy to Govt. 6/11

Devt. (CII) Dept.

Subj:- Forests - Bellary Distt - Mallapuram Sub-Taluk - Removal of wood from Reserve Forests - compounding of offences - withdrawal of cases under Sec 49 of the Madras Forest Act - Orders passed.

Pl Cl Read: Govt. Memo No 54605 CII/52-1 dt 17.5.52.
PP of Cl. From the C.C.F. No 10629/52 E-1 dt 24.9.52.
G.O.Ms 4722 dt 6.11.1952.

In the circumstances reported the Govt accept the recommendation of the C.C.F. and direct that the cases against the displaced persons in the submergible villages under the Tungabhadra Project for illicit removal of timber from the Reserved Forests be withdrawn immediately by the competent authority under Sec 49 of the Madras Forest Act.

Govt
7.XI.

To the C.C.F.
S.F. Madras

5.XI.52

6/11

6/11

Note to Secy. Dev.Dept., 54605

During my recent visit to [redacted], Bellary Dt. the people of Kanvi Basapur, Mallapur Sub Taluk, have represented in the presence of the D.F.O. that they were permitted by the Collector to take jungle wood from the forests for building huts, but the D.F.O. has fixed Rs.300/- to take the above wood from the forests.

The D.F.O. may be asked to state whether he has investigated the matter, if so a report may be called for and put up for my perusal.

2. The D.F.O. Bellary may be asked to state separately what he has done with regard to the request of the inhabitants of Vallabapur village (Hadagully Taluk) made on the 28th April at N.D.here for a village site to the North of Chintalapalli village. A report may be called for and put up.

H.M.(Agriculture),
14-5-52.

TO A.S

Dept.(C II) Dem:

Please see minutes of H.M.(Agl) above. W.V.T. A above a draft G.M. to the C.C.F. for approval. If submitted W.V.T. 'B' above extracts may be given to C II (1) for separate action.

Through C II (1)

Issued as Memo No. 54605 C II/52-1 dt 17.5.52.

Dept.(C II) Dem

From the C.C.F. No. 10629/52 Ed 6.6.52.

TO A.S.

The report from the C.C.F. at PP3-4 Cg. may be perused with ref the memo at PP1-2 Cg. The particulars report promised by the C.C.F. at A on P4 Cg may be awaited till 20.6.52.

Department Dem.
C 11/52

TO A.S.

26/14/6

W.r.t. minutes of H.M at 'A' on P1 ante the C.C.F. has been consulted. The C.C.'s report with the enclosures at PP 3-4 C.F. may be perused.

It is reported that the myrs of Kanni Babapur, have been compounded for illicit cutting and removal of 8 beams and 54 rafters from Reserve Forests, on their admitting the offence. It is also reported that the D.F.O. Bellary discussed the matter with the Special Asst (Rehabilitation) during M.(Agl)'s visit and decided the concerned Range officer to withhold service of 9 notices and submit a comprehensive report to enable him to revise his orders regarding compounding the offence after the Range officer's report is received. The C.C.F. may perhaps be called to submit a further report after the revision of the D.F.O's orders referred to above. Subject to orders a draft O.M. is submitted. Meanwhile M.(Agl) may perhaps see the CCF's report at pp 3-4 C.F.

Kanni Babapur

7.6.52
(J.S. on tour)

13/6/52

M.(Agl)

14/6

SECRETARY TO GOVERNMENT
11 JUN 1952
REVENUE DEPARTMENT

Issued as Memo. No. 54605 CII/52-2, D/ 16.6.52
From the C.C.F. No. 10629/52-E1, D/ 24.9.52.

To A.S.

With reference to M(Agri's.) minutes at A on p 1 ante the C.Cs reports at pp 3-4- c.f. and 7-8 c.f. may be perused.

The Special Officer, Tungabhadra Project was authorised by the Govt. to grant permits to the displaced persons in the submergible villages under the project for removal of timber required for construction of houses in the newly settled areas, from the submergible and also from outside the submergible areas, in consultation with the Rev. Dept. Some of the displaced persons who were thus permitted by the Special Officer to remove timber from the unreserves removed 8 beams and 54 rafters from the Reserve forests by mistake. This removal was admitted by the displaced persons and the offence was compounded by the D.F.O for an aggregate amount of Rs.370/- The villagers complained to M(Agri.) during his tour in Bellary in May 1952 about this compennding of their offence and M(Agri.) ordered that the matter might be submitted for perusal. The C.C.F. has accordingly been consulted and his reports with enclosures are submitted at pp 3-4- c.f. and pp 7-8- c,f

From the D.F.Os report at pp 7-8 c.f. it is seen that the displaced persons have innocently removed the timber from the reserve forests mistaking it to be disafforested zone. As the offence committed is unintentional the D.F.O recommends that the case may be withdrawan by the competent authority as he himself is not competent to revise his orders. Expressing his dissatisfaction about the D.F.Os and the Conservators ignorance of Rules the C.C.F. points out that under Sec. 49 of the Madras Forest Act the D.F.O is competent to withdraw the case and suggests that if the Govt. agree the D.F.O will be directed to withdraw the case under sec. 49 of the Act. In

54605

the circumstances reported it is for orders whether the case may be ordered to be withdrawan.

Regarding 'B' at p 1 ~~xxxx~~ ante separate action ~~is being taken in the F.F. No action in this file is called for. For orders.~~ in other file [illegible] sent to Fin for remarks. The concerning file will be circulated in due course.

Finance may see before circulation.

C.NO. 54605 C II (Gen)

The case may be ordered to be withdrawn

Through C II (A)

(Gen) Dev no 54605 C II A-5 9-10-52

FINANCIAL DEPUTY SECRETARY TO GOVERNMENT 74258 Acct 15 OCT 1952 FINANCE DEPARTMENT

Fin (Accts)

may be perused. Fin may agree to the suggestion of A. above

18/X/52

Dev

TO A-5

From D.O. 74258 Accts (Gen)

Orders from P-3 above may be perused. Finance have agreed for the withdrawal of the cases as suggested by this Dept at A above. The case may now be circulated to Dept 'A' for orders on 'A' above

29-10-52

122050

SECRETARY TO GOVERNMENT 1 NOV 1952 DEVELOPMENT DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT 1 NOV 1952 DEVELOPMENT DEPARTMENT

Note from P-3 above may be perused. The CC may be circulated to Dept A-5 for orders.

30/X/52

1-XI-52

(Regn)

TO A.S.

orders in circulation on the purpose.

A draft order is submitted for approval.